BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ROSA MARIA ARREOLA)	
Claimant)	
VS.)	
) Docket Nos. 177	7,774
EXCEL CORPORATION) 179,363; 187	•
Respondent)	·
AND	,)	
)	
SELF INSURED	,)	
Insurance Carrier	,)	

ORDER

Claimant appeals from a September 28, 1994, Preliminary Hearing Order by which Administrative Law Judge Thomas F. Richardson denied claimant's request for reimbursement of mileage expense incurred for examination and/or treatment.

ISSUES

On appeal, claimant contends the Administrative Law Judge exceeded his jurisdiction by denying benefits because the claimant incurred expense traveling from her home in Dodge City, Kansas, to the office of the authorized treating physician in Wichita, Kansas. Respondent maintains that it provided transportation to medical appointments as required by K.S.A. 44-510(a), that the claimant refused to ride in the van provided by respondent and instead chose to take her personal car contrary to the company policy.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

IT IS SO ORDERED.

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the Administrative Law Judge has the authority to make a determination at a preliminary hearing, pursuant to K.S.A. 44-534a, concerning medical treatment, including transportation and expenses. Accordingly, the Administrative Law Judge did not exceed his jurisdiction in making his order.

After examining both K.S.A. 44-551 and K.S.A. 44-534a, the Appeals Board finds that the subject Order of September 28, 1994, is neither a final order which can be reviewed by the Appeals Board nor does this appeal raise one of the issues considered jurisdictional under K.S.A. 44-534a. Consequently, the Appeals Board does not have jurisdiction to review the issue raised by this appeal from the Preliminary Hearing Order of the Administrative Law Judge.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and the same is hereby, dismissed. The Order entered by Administrative Law Judge Thomas F. Richardson on September 28, 1994, remains in full force and effect.

Dated this ____ day of April, 1995. BOARD MEMBER BOARD MEMBER

c: C. Albert Herdoiza, Kansas City, KS
David J. Rebein, Dodge City, KS
Thomas F. Richardson, Administrative Law Judge
George Gomez, Director